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Mayor

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CONSERVATION COMMISSION

MEETING MINUTES

October 21st, 2010

Beginning at 7:30 p.m.

City Hall, Room 209

Meeting called to order at 7:40 p.m.

MEMBERS PRESENT: S. Lunin, Vice-chair and Acting Chair, N. Richardson, D. Green, R. Matthews, and D. Dickson (arrived late-see below),

MEMBERS ABSENT: I. Wallach, J. Hepburn, and J. Sender, Alternate

MEMBERS OF THE PUBLIC: See attached sign-in sheet

Request for Administrative Change to OOC for Dock– Parks & Recreation wishes the dock to remain in year-around;

Report: Letter of request provided in packet.

Meeting: Carol Schein and Judy Dore present to request keeping dock in water over winter, but without changing times of use. Sr. Planner expressed concerns that winter and spring high flows may create additional erosion directly due to dock being in water, and/or may damage dock. Leaving dock in water will save costs to pay for crane to remove in fall and install in spring, and may lessen bank compaction from weight of crane. Order required sloped curbing at edge of traffic circle; Parks & Recreation propose that if crane not used, no need for sloped curbing. Instead, boulders can be used to keep vehicles off the grass area. Planner recommends a trial period to evaluate conditions. Parks and recreation should provide documentation for period of time and use for comparison. The commission agrees to an administrative change (leaving the dock in over winter) for two (2) years with a report due to the commission at the end of the 2-year period. Photo documentation of current conditions required and P&R should consider plantings on the bank adjacent to the circle.

Dog Park in Norumbega- Candace Havens;

Report: I have not received any written description of the proposal in time to review.

Meeting: Candace Havens, Acting Director of Planning presented the proposal from the Dog Park Committee. Details of the proposal include a fee structure for permits to use the park. R. Matthews suggested Woodbine St. is overused for parking by dog-walkers and suggested putting it off limits for parking by dog walkers so it does not interfere with traffic for the veterinary clinic. He suggested the dog walkers use Islington Circle. Ms. Priscilla Leith offered an historical perspective, noting past problems in the park of alcohol use, speeding, motorcycles, and trash as neighborhood concerns. She noted a prior garden area and bench had deteriorated. D. Green commented he did not think off-leash dogs were appropriate in buffer zones. The money collected from fees might be used to fund a second dog control officer. Additional fencing is proposed to separate field area as main off-leash area from other areas of the park. Discussion continued to the November 18th meeting.

34 Farwell St. NOI – continued from July while applicant addresses EO;

Report: Engineering has been working on a plan, but does not have a recommendation re restoring the top of the slope yet. The proposal, that the asphalt is “grandfathered,” would apply to less than half the pavement,

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since, even prior to the Riverfront Act, the owner should have filed for work in a buffer zone (to bank). The commission also does not have to approve the project size, because the owner wishes to have “x” number of apartments in the building. Because the addition to the house, the construction of the garage, and addition of a portion of the pavement is unpermitted, this work should be considered as if it were new development, and an alternatives analysis (showing alternatives to the amount of impervious surface) should be submitted. Because the owner owned the lot prior to 1996, the alternatives would be limited to the lot. There has been no attempt to address 10.58(4), thus the Commission should presume that the area is significant to all interests; Planner would like to see all parking area pushed to front of lot and allow no parking (no asphalt and no gravel) past rear of house (i.e., see 10.58(5)). A detailed restoration/planting plan of no less than 10 ft, removal of steps, and on-going conditions to not increase impermeable any further should be considered.

Meeting: Terrance Morris was present to represent the owner. Sr. Planner reported that Frank Nichols in DPW Engineering Department submitted memo regarding restoration of bank to 2:1 slope (only top of slope), indicating that, since the bank is stable now, re-grading would only de-stabilize without obvious benefit. The rear house has been removed, but sewage line and water line only partly removed, so as to not tear up pavement. Mr. Morris offers to remove pavement and curbing in vicinity of former garden area. A soil percolation test has been completed, and soil is more pervious than expected. Mr. Morris says the project is redevelopment, but Sr. Planner advises it should be considered new development because prior work not permitted. D. Green requests alternatives analysis that addresses 1) garage (not previously permitted) and 2) placement of existing parking lots. Applicant shall provide written report why project should be considered redevelopment or failing that to provide an alternatives analysis. To close out EO, the commission required the owner to remove utilities, remove building and address old “filling issue.” The latter might be closed (possibly with planting on DCR property) under an after-the-fact filing for mitigation activity. Issue of removing steps on DCR property will be re-considered at a later meeting.

D. Dickson arrived at 9:30; R. Matthews left (9:45)

134 Vine St., RDA – Landscaping in buffer zone to bordering vegetated wetland. Continued from April 29th;

Report: Owner has built a new house that is completely out of the buffer zone. However, a short distance behind the house is a steep slope, at the base of which is a wooded area that abuts Kessler Woods, LLC property. The top of the slope is the approximate 100 ft buffer to bordering vegetated wetland (from Saw Mill Brook) that covers some portion of Kessler Woods property and extends onto the property of Mr. Cunningham. Mr. Cunningham has worked with an environmental consultant and with a landscape architect to prepare a landscape plan. Although the site may well have been lawn, it has likely been ten years or more since it was maintained as such, and it has reverted to native woodland. The proposal is that the first 25 ft of buffer abutting the wetland would be left alone, the second 25 ft would undergo removal of invasive shrub species and replacement with native shrubs, and the outer 50 ft would be landscaped with low-maintenance grasses and native shrubs and saplings. No irrigation system would be installed. The owner offers to remove invasive plants also from the first 25 ft. He is also offering to remove a sizeable pile of debris (brush, an old fence, etc., about 6+ ft high and maybe 8-12 ft long, provided he can get permission from Kessler to go onto their property to remove it. Removal of several of these species takes berries, a winter food supply, out of the area (he’s already removing these species from the other 75 ft) – replacement plants will need time to become established before producing an equivalent amount of fruit, seed and vegetative cover. Removal of the plants also disturbs the soil and makes the area more susceptible to unwanted seeds getting started – propagules of which are readily available on the adjacent Kessler property. Therefore, I recommend approval of the plan, without removal of invasives from the first 25 ft. I think this is the best balance of disturbance versus benefit in this location.

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Meeting: Joe Cunningham, owner, described the project. N. Richardson noted that, if buckthorn is not thoroughly grubbed out, a herbicide will be needed to kill it. **Motion to issue a negative determination #3.**
Vote: All in favor. Motion passed.

Houghton Garden Management Plan Discussion - Jane Sender ;

Report: This revised plan (from the one Candace and the garden club had been working on – see in packet for comparison, differs in several respects. My main concern, is that I do not think it is sufficient for the residents or their landscapers to agree to ‘consult’ with the city or the Planner prior to doing work in wetland, or large alterations such as removal of a tree. Whether the Commission wishes to review such work, or to have the Sr. Planner do it, someone with authority from the city needs to be able to approve, disapprove or require conditions for such work. The Commission’s Management Plan committee put a lot of work was put into developing an invasive plant policy, an invasive plant list and priority for removal. The revised Houghton plan proposes targeting a native (wetland indicator) plant such as poison ivy, and only indicates that a filing may be required for working in the wetland. Finally, both Martha and I tried to maintain a policy of keeping limbs off the paths, while not removing them from the garden, so as to provide habitat and conserve nutrients. This new plan, appears to have been re-written so that this approach would be contravened.

Meeting: No one is present for this item, and J. Sender asked to re-schedule for the November meeting.

11 Chesley Rd. RDA – Proposed two-story addition, new deck, and removal of shed in the 100 ft buffer to bank of Hammond Brook and 200 ft riverfront;

Report: Owner applied for building permit, finding that he needed to apply to Conservation, too. The GIS shows an intermittent stream with 30 ft flood zone and 100 ft buffer zone. So I advised owner he could file a RDA. His application shows part of work is in buffer zone to bank, and no work in the 30 ft flood zone (Sec. 22-22). There is another addition and driveway work outside the 100 ft buffer (which I have now discovered is all part of 200 ft riverfront to Hammond Brook). During the site visit, Planner observed that, in addition to paved driveway, there is a gravel driveway extending through back yard to edge of walls enclosing Hammond Brook, with three vehicles parked in flood zone, one with an expired sticker and a flat tire. The gravel driveway is not shown on the plan. Because all work proposed is actually in riverfront, a resource area, applicant should file a NOI. No alternatives analysis is recommended – all additional work is re-development (a very small amount is over lawn). However, I believe no alteration would occur provided he stays exactly with the plan, removes the shed as offered, and does not stockpile (anything) on site. The gravel driveway can be added to the plan (after-the-fact), but should be removed from flood zone (it is fill under 310 CMR 10.57(4) and Sec. 22-2, nor should owner park a car and leave it there.

Generally, a resident may plant whatever he/she chooses in his/her yard, but recommend native plants adjacent to bank (owner planted Hostas are not native to U.S.).

Meeting: Owner, Craig Bernabei, presented the project. A discussion was held about how much excavation will be involved. Owner advised that stockpiling is needed, it can be done in flood zone if for no longer than two days and it must be covered overnight by a tarp – owner added notation to plan, dated and signed in presence of commission.

Motion by D. Green to issue a negative determination #2, followed by a letter of violation for the gravel driveway. Vote: All in favor. Motion passed.

61 Verndale Rd. NOI – After-the-fact for fill in flood zone with compensatory flood storage;

Report: Owner obtained an OOC for work on house, but yard “unfinished” when he applied for Certificate of Compliance. Owner then landscaped with loam and seed, above-grade stone patio with partial walls and a fountain, stone planter beds and a second fountain, all in bordering land subject to flooding (So. Meadow Brook).

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Engineering calculations and plan indicate compensatory flood storage would be provided in front yard. Owner should be aware this may fill with water at times. Plan meets requirements of Sec 22-22 and 310 CMR 10.57.

Meeting: Raymond Zang, owner, and K. N. Srinivasa, engineer, were present and described the project. The excavation for compensatory flood storage will create a pool approximately 5 ft deep in the front yard. K. N. Srinivasa said the flood storage area is larger than required to allow for more plantings around the front porch. The commission told the owner, if he decides he cannot live with the large hole, to not be afraid to come back to discuss further with the commission. **Motion by N. Richardson to issue OOC with special condition for completion of the excavation by June 5th, 2011 to provide compensatory flood storage for work already done (i.e., patio, planters, etc.).** **Vote: All in favor. Motion passed.**

15 Harwich Rd. RDA –Request to lift EO;

Report: All requirements of the EO have been completed, and I will have completed a site visit by the time of the meeting. If plantings are satisfactory, I recommend the commission vote to lift the EO.

Meeting: Following minimal discussion, there was a **motion by D. Green to issue a letter to lift the EO.** **Vote: All in favor. Motion passed.**

Violations(updates):

250 Albemarle Ave. Gath Pool-Violation- Chlorine spill into CheeseCake Brook; awaiting pictures of new mounting measures for chlorine pumps.

34 Farwell St. Violation – EO – rear residence to be removed prior to Sep. meeting;

Certificates of Compliance

2345 Commonwealth Av. Marriott Hotel-OOC 239-603; as-built plan and letter certifying work;

Meeting: Sr. Planner visited site prior to meeting and found two piles of dirt in riverfront, with no erosion and sediment control in place. Piles now covered. Matt Varrell of VHB has asked to continue until November.

Lot 9 Kessler Way – OOC 239-Awaiting new as-built to show features, including large rip-rap drainage swale not on first plan submitted. Letter from engineer says all according to OOC.

Meeting: Planner advised she and engineering still have some issues with this lot. Continued to November 18 meeting.

(Omitted by mistake – on last meeting’s agenda but not taken up at last meeting).

64 Adeline Road- Motion to approve COC. **Vote:** all approved. Motion passed.

125 Wells Avenue - Motion to approve COC. **Vote:** all approved. Motion passed.

92 Bullough’s Park - Motion to approve COC. **Vote:** all approved. Motion passed.

Announcements & General Business:

September 23 Meeting Minutes for approval (please see comments in packet).

Meeting: **Motion to approve minutes with changes and edits recommended by Sr. Planner (D. Green who took the minutes agrees with the changes).** **Vote: D. Green and N. Richardson vote “aye”; S. Lunin and D. Dickson abstain, since they were not present at the meeting.**

Elections deferred to a meeting when more members present.

Election of Officers – Chair, v-Chair, Secretary, rep to Nahanton Woods re CA, rep to Farm Commission
Report on Management Plan Meeting Minutes

Respectfully submitted,
Anne Phelps, Sr. Environmental Planner



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